

June 30, 2004

BY ELECTRONIC FILING

Michael J. Wilhelm, Deputy Chief
Federal Communications Commission
445 Twelfth Street, S.W.
Washington, D.C. 20554

Re: WT Docket No. 02-55
Ex Parte Presentation

Dear Mr. Wilhelm:

On Friday June 25, 2004, representatives of Nextel Communications, Inc. ("Nextel") and Southern Communications Services, Inc. d/b/a Southern LINC ("Southern") met jointly and separately with staff of the Wireless Telecommunications Bureau ("Bureau") regarding the Commission's above-referenced proceeding on public safety communications in the 800 MHz band.¹

At this meeting, Southern and Nextel (the "parties") reached tentative agreement on a number of important issues in an attempt to accommodate both parties networks in a potentially realigned 800 MHz band. The parties tentatively agreed that in Southern's licensed service area in the southeast, as depicted in Attachment A, hereto, the cellular, low-site channel block would be defined as 813.5-824/858.5-869 MHz. Within this channel block, the parties' respective channel positions would be as follows:²

1. Southern's 800 MHz licenses would be modified by the FCC to authorize it to operate on the following contiguous channels in each of the five (5) regions depicted in Attachment A as follows (base channels are listed, corresponding mobile channels are included):
 - a. Region 5: 858.5125 – 861.9875 MHz 140 channels
 - b. Region 6: 858.5125 – 861.9875 MHz 140 channels
 - c. Region 7: 858.5125 – 862.2375 MHz 150 channels
 - d. Region 9: 858.5125 – 862.9875 MHz 180 channels
 - e. Region 10: 858.5125 – 862.9875 MHz 180 channels

¹ See Nextel's and Southern's respective *ex parte* notices dated June 28, 2004.

² Attachment B summarizes the channel positions of the parties as tentatively agreed to on June 25, 2004.

2. Nextel's 800 MHz licenses would be modified by the FCC to authorize it to operate on the following contiguous channels in each of the above-stated Southern regions, as follows (base channels are listed, corresponding mobile channels are included):
 - a. Region 5: 862.0125 – 868.9875 MHz 280 channels
 - b. Region 6: 862.0125 – 868.9875 MHz 280 channels
 - c. Region 7: 862.2625 – 868.9875 MHz 270 channels
 - d. Region 9: 863.0125 – 868.9875 MHz 240 channels
 - e. Region 10: 863.0125 – 868.9875 MHz 240 channels

Nextel and Southern's tentative agreement as to these channel positions was subject, however, to verification that sufficient non-cellular block spectrum would be available to accommodate all non-Nextel and non-Southern incumbent licensees within each of these regions, assuming the FCC mandates realignment of the 800 MHz band in substantial accord with the Consensus Plan for 800 MHz Realignment in WT Docket No. 02-55.

Nextel's subsequent analysis concludes that the non-cellular channel block may not provide a sufficient number of channels in the Atlanta metropolitan area (a portion of Southern Region 7) to accommodate a small number of non-Nextel, non-Southern incumbent licensees. Nextel notes that Southern is optimistic that all non-Nextel, non-Southern incumbents in Atlanta/Region 7 can be retuned within a non-cellular channel block ending at 813.5/858.5 MHz. Representatives of Nextel and Southern have considered various ways to apportion among them a possibly reduced cellular, low-site block, but have not reached agreement to modify either the size of the cellular, low-site channel block or their respective positions within a proposed smaller block.

The parties have, however, agreed to cooperate in a continuing dialog concerning the planning, timing and completion of realigning Southern's channel position within the proposed realigned cellular channel block, including the impact of co-channel protection on realignment in adjacent markets.

The parties have reached tentative agreement on the costs of retuning Southern's network. Nextel agreed to fund Southern's reasonable labor costs associated with retuning Southern's network in the above-described regions. For example, this would include labor costs to retune frequencies, including technician time to change frequencies in the software load for each site and site technician time to change frequencies at sites with manual tune cavity combiners. Nextel will not be responsible for funding Southern's costs associated with replacement or installation of combiners, filters or any cell site hardware, including any system changes needed for Southern to operate its system in accordance with any new Commission interference mitigation requirements. Further Nextel will not be responsible for funding Southern's costs associated with

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modifications, replacements, upgrades or any other changes to Southern's customers' handsets.

Pursuant to section 1.1206(b)(2) of the Commission's rules, 47 C.F.R. § 1.1206(b)(2), this letter is being filed electronically for inclusion in the public record of the above-referenced proceeding.

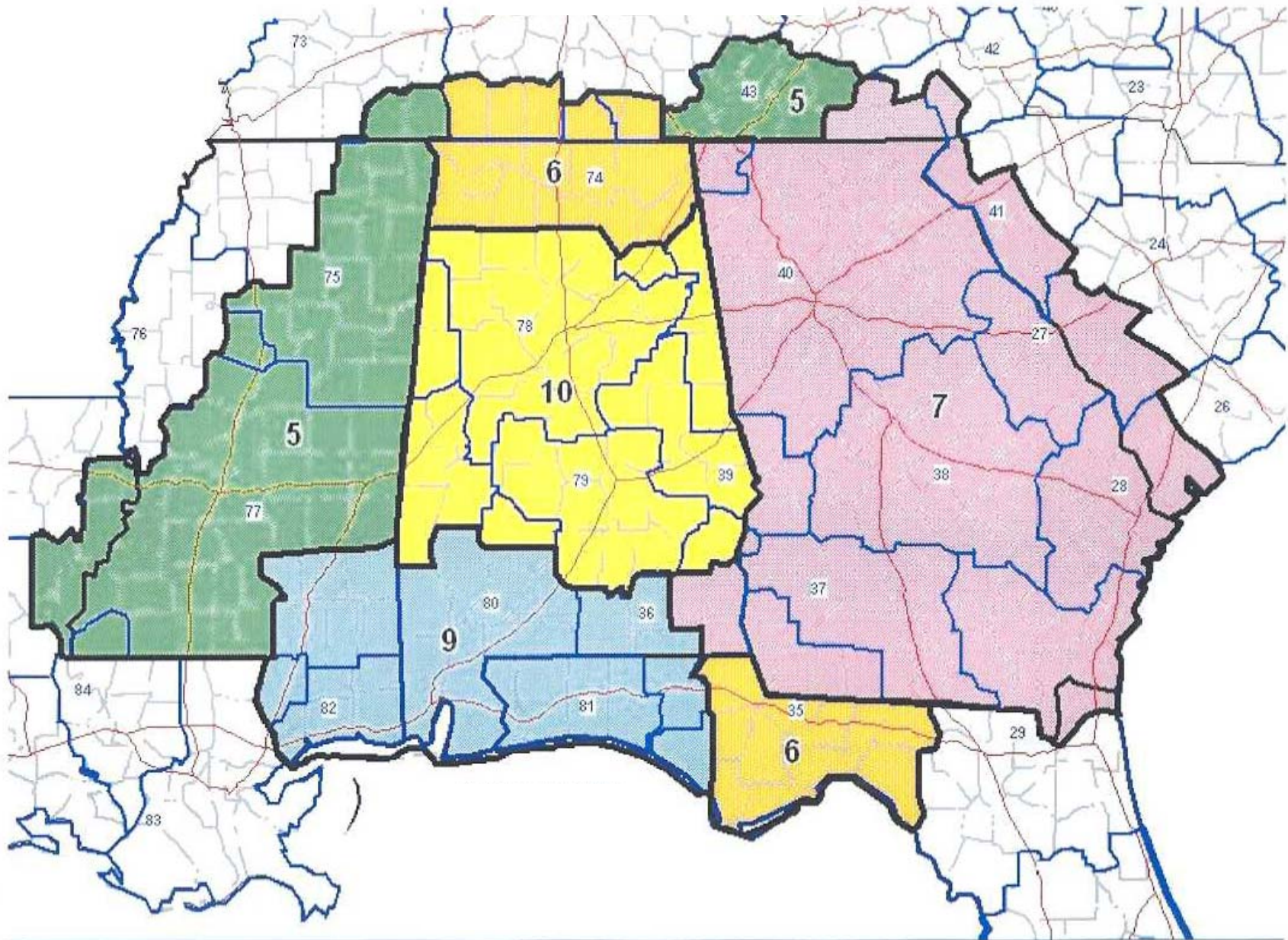
Sincerely,

[/s/ James B. Goldstein](#)

James B. Goldstein
Senior Attorney – Government Affairs
Nextel Communications

cc: John B. Muleta
Catherine W. Seidel
David Furth
Aaron Goldberger
D'Wana Terry
Michael Wilhelm

Attachment A



Attachment B

Southeastern Markets Spectrum Scenario

